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SVETLANA V. COUTURE, ESQ.
COUTURE & ASSOCIATES
418 Third Street, Suite 101
Oakland, CA 95607
Tel: (510)710-7720
Fax: (510)835-1719

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DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALISE MALIKYAR, ROBERT JACOBSEN)
Plaintiffs,)

Case#:CV-07-03533-WHA

vs.)

JOHN SRAMEK, BERNADETTE SRAMEK)
HAROLD M. JAFFE, JOHN S. SRAMEK)
AND BERNADETTE SRAMEK REVOCABLE)
LIVING TRUST AND DOES 1 TO 100,)
INCLUSIVE,)

THIRD AMENDED COMPLAINT
FOR VIOLATION OF WIRETAPPING
AND EAVESDROIPPING
STATUTES, INVASION OF
PRIVACY; FOR DAMAGES AND
INJUNCTIVE RELIEF
(VERIFIED)

Defendants)

/

Come now, Plaintiffs Alise Malikyar and Robert Jacobsen, by and through their attorney of record and pursuant to Federal Rule of Civil Procedure 15 (a) and pursuant to the Order of this Court of July 3, 2008 granting Plaintiffs a leave to further amend their Complaint without any restrictions, for their Third Amended Complaint allege as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff Alise Malikyar (hereinafter "Plaintiff Malikyar" or "Plaintiffs" when used collectively) brings this action on her own behalf against the above named defendants to redress violations of Title 18 U.S.C. § 2511, interception and disclosure of wire, oral, and/or electronic communications,

1 pursuant to Title 18 U.S.C. § 2520. Plaintiff also brings this
2 action to redress violations of California Penal Code §§
3 631(a), and 632(a), pursuant to California Penal Code § 637.2
4 as well as California Business and Professions Code §§ 17200
5 and 17500 which statutes also prohibit misleading, unlawful and
6 unfair acts of this nature. Furthermore, Plaintiff brings this
7 action for invasion of privacy under Article 1 of the
8 California State Constitution and pursuant to relevant
9 provisions of the U. S. Constitution and its Amendments.

10 2. Plaintiff Robert Jacobsen (hereinafter "Plaintiff
11 Jacobsen" or "Plaintiffs" when used collectively) brings this
12 action on his own behalf against the above named defendants to
13 redress violations of Title 18 U.S.C. § 2511, interception and
14 disclosure of wire, oral, and/or electronic communications,
15 pursuant to Title 18 U.S.C. § 2520. Plaintiff also brings this
16 action to redress violations of California Penal Code §§ 631,
17 and 623(a), pursuant to California Penal Code § 637.2 as well
18 as California Business and Professions Code § 17200 which
19 statutes also prohibit such interceptions and disclosure.
20 Furthermore, Plaintiff brings this action for invasion for
21 invasion of privacy under Article 1 of the California State
22 Constitution and pursuant to relevant provisions of the U. S.
23 Constitution.

24 3. Furthermore, Plaintiffs incorporate by reference and refer
25 to all allegations contained in their previously filed
26 Complaint and Second Amended Complaint (misnumbered due to a
27 clerical error). This present pleading is numbered as Third
28 Amended Complaint to ensure no further confusion respecting

1 seniority and succession of Plaintiffs' initial pleadings.

2 **II. JURISDICTIONAL STATEMENT**

3 3. Jurisdiction is proper under U.S.C. § 1331 for the causes
4 of action alleged herein which are based on federal statutes
5 and U.S. Constitution as they arise under the laws of the
6 United States of America, specifically under 18 U.S.C. §§ 2520,
7 2511 and U.S. Constitution provisions which protect an
8 individual's right to privacy.

9 4. This Court has supplemental jurisdiction over the
10 remaining causes of action alleged in this complaint based on
11 California State statutes and State Constitution because those
12 causes of action arise from a nucleus of operative fact common
13 to causes of action based on federal laws as set forth herein,
14 and because the exercise of supplemental jurisdiction serves
15 the interests of judicial economy, convenience and fairness to
16 the parties, pursuant to Title 28 U.S.C. §1367.

17 5. Furthermore, this Court has jurisdiction over this action
18 under Title 28 U.S.C. §1343(a)(4), this being an action to
19 recover damages and to secure declaratory, injunctive and other
20 relief under Acts of Congress providing for the protection of
21 civil rights.

22 6. All of the actions, admissions, and/or events have taken
23 place and/or are believed to have taken place in the counties
24 of Alameda and Contra Costa, Northern California, and are thus
25 within the venue of this Court.

26 **III. PARTIES**

27 7. Plaintiff Malikyar is a citizen of the United States and a
28 resident of California due to her ownership of the certain real

1 property located at 2324 Tice Valley Blvd, Walnut Creek,
2 California, 94595 which property is referenced in, affected by
3 and/or subject to this litigation and which realty is located
4 in the County of Contra Costa. Thus, Plaintiff Malikyar has
5 sufficient ties to the State of California and specifically to
6 the Northern District of this Court so as to satisfy legal
7 residency requirements. Additionally, by virtue of filing of
8 this lawsuit Plaintiff Malikyar submits to personal
9 jurisdiction over her by this Court.

10 8. Plaintiff Jacobsen is a citizen of the United States and a
11 resident of California. He is a spouse of Plaintiff Malikyar
12 and thus has community property interest in the certain real
13 property located at 2324 Tice Valley Blvd, Walnut Creek,
14 California, 94595 which property is referenced in, affected by
15 and/or subject to this litigation and which realty is located
16 in the County of Contra Costa. Thus, Plaintiff Jacobsen has
17 sufficient ties to the State of California and specifically to
18 the Northern District of this Court so as to satisfy legal
19 residency requirements. Additionally, by virtue of filing of
20 this lawsuit Plaintiff Jacobsen submits to personal
21 jurisdiction over him by this Court.

22 9. Defendant John Sramek (hereinafter "J. Sramek" or
23 "Defendants" when used collectively) is an individual who
24 satisfies all legal residency requirements in that he is
25 believed to reside in the Northern District of California and
26 has sufficient ties to this state.

27 10. Defendant Bernadette Sramek (hereinafter "B. Sramek" or
28 "Defendants" when used collectively) is an individual who

1 satisfies all legal residency requirements in that she is
2 believed to reside in the Northern District of California and
3 has sufficient ties to this state.

4 11. Defendant John S. Sramek, Jr. and Bernadette Sramek
5 Revocable Living Trust (hereinafter "Trust" or "Defendants"
6 when used collectively) is and at all times relevant hereto was
7 a Northern California resident and/or entity formed in and/or
8 under the laws of the State of California and is and at all
9 times relevant hereto was the agent, employee, servant and/or
10 otherwise associated Defendants J. and B. Sramek.

11 12. Defendant Harold Jaffe (hereinafter "Jaffe" or
12 "Defendants" when used collectively) is an individual who
13 satisfies all legal residency requirements in that he is known
14 to reside and conduct business in the Northern District of
15 California and has sufficient ties to this state. Additionally,
16 Jaffe is an attorney admitted to practice law in this state and
17 is believed to have been admitted to practice law before the U.
18 S. Northern District of California Court. Jaffe is being sued
19 herein both in his individual capacity as well as in his
20 capacity as the owner and/or principal of his law practice
21 located at 3521 Grand Avenue in Oakland, California.

22 13. The true names and capacities whether individual,
23 corporate, associate, or otherwise of Defendants DOES 1 through
24 and including 100, are unknown to the Plaintiffs who,
25 therefore, sue said defendants under fictitious names.
26 Plaintiffs will amend and/or cause an amendment to this
27 complaint to show their true names and capacities when
28 ascertained.

1 14. Plaintiffs are informed and believe and thereon allege
2 that each of said defendants is responsible in some manner for
3 the events and happenings as alleged herein and for the
4 injuries and damages, proximately caused or otherwise,
5 hereinafter alleged.

6 IV. STATEMENT OF FACTS

7 15. Prior to the incidents and/or events giving rise to this
8 case Plaintiffs herein were sued by J. and B. Sramek in a state
9 court action, represented by Jaffe, which matter alleged a
10 number of causes of action with respect to a real estate
11 transaction not subject to this present litigation and/or not
12 referenced in these pleadings.

13 16. Sometime after that state case was already pending
14 Plaintiffs Malikyar and Jacobsen sought to sell their real
15 property located at 2324 Tice Valley Blvd, Walnut Creek,
16 California, 94595. The title to the subject home was held in
17 Plaintiff Malikyar's name, however the property was and is
18 community property. Plaintiff Jacobsen managed and oversaw the
19 transaction. 2324 Tice Valley Blvd, Walnut Creek property had
20 no direct or indirect relation to the state court litigation
21 instituted by the Srameks through Jaffe.

22 17. At all times relevant herein a great number of phone
23 communications took place from the land line located at 2324
24 Tice Valley Blvd, Walnut Creek, California, 94595, including
25 private and confidential telephone conversations with
26 attorneys, key witnesses, business associates, prospective
27 business contacts, escrow officers, title company, realtor(s),
28 broker(s), family members, friends and the like. At all times

1 during those communications Plaintiffs reasonably believed that
2 the land line communications were private and secure.

3 18. In April 2007 the home was pending a sale and the escrow
4 was to close on April 30, 2007 going on record the next day,
5 May 1, 2008. The escrow was being handled by North American
6 Title Insurance Company (hereinafter "NATIC").

7 19. On or about April 27, 2007 NATIC received a facsimile
8 transmission from Jaffe and/or his office which contained
9 Notice of Pending Action (See Exhibit 1 to the initial
10 Complaint filed in this action). The cover page to that
11 transmission contained the confidential escrow number for that
12 sale of the Plaintiffs' home. It is a matter of knowledge
13 shared by NATIC and belief by these Plaintiffs who are not
14 strangers to real property transactions that escrow numbers for
15 all pending transactions are held in strict confidence and are
16 never public information. Jaffe's Notice of Pending Action had
17 the effect of stopping escrow process and terminating the real
18 estate sale transaction.

19 20. NATIC employees, agents and principals, as well as other
20 third parties who may have been close enough to the transaction
21 to to have known the escrow number were contacted by the
22 Plaintiffs and questioned regarding possible disclosure. All
23 denied that they had disclosed the escrow number to anyone
24 and/or made it public information. Plaintiffs neither
25 consented to disclose nor made public this strictly
26 confidential information.

27 21. Concurrently with the institution and/or pendency of the
28 state suit by the Srameks and Jaffe, the Plaintiffs had been

1 experiencing telephone static and clicking. Initially
2 Plaintiffs did not make much of it. However, after Jaffe was
3 able to obtain confidential escrow number without any believed
4 disclosure by anyone close to the transaction, Plaintiffs
5 became suspicious. A telephone company (AT&T) was contacted to
6 make determinations regarding the telephone line.

7 22. On May 5, 2007 a telephone technician was dispatched by
8 AT&T to the Plaintiffs' home. Technician promptly discovered
9 speaker wire coming from the inside of the AT&T phone box on
10 the house. The wire was followed along the AT&T line about ten
11 feet where it dropped to the ground traveling about fifty feet
12 through the brush to the edge of Plaintiffs' driveway. There,
13 an air and water tight plastic box was discovered of about
14 eight by four inches in size which contained a Sony recording
15 device connected to the phone wire.

16 23. On the same day, May 5, 2007, an officer from Contra Costa
17 County Sheriff's Department was dispatched to the property and
18 the crime scene. Officer Burke who arrived at the scene
19 confirmed the presence of the wiretap. Evidence of the wiretap
20 was collected and the report of the incident was prepared by
21 Officer Burke (Exhibit 4 to Plaintiffs' initial Complaint
22 herein). Plaintiff Jacobsen who was present at the time the
23 evidence was collected by the Sheriffs Department stated his
24 belief that the only party known to be interested in
25 wiretapping Plaintiffs' phone was Jaffe who was able to obtain
26 confidential information without known source. Officer Burke
27 attempted to take a statement from Jaffe who was not willing to
28 answer any questions and was otherwise evasive which was duly

1 reflected by Officer Burke in his report (see page 2 of Exhibit
2 4 to Plaintiffs' Initial Complaint herein).

3 24. The wiretap device was placed into Valley Evidence with
4 the request that the crime lab print the submitted evidence and
5 photos of the device and the scene were taken by Officer Burke
6 on that day.

7 25. On May 9, 2007 Officer Burke confirmed with AT&T that
8 there was no record of the required by law authorized wire tap
9 of Plaintiffs' land line.

10 26. Plaintiffs' believe that a great deal of private and
11 confidential communications with attorneys, witnesses, other
12 third parties, family members, etc. were intentionally
13 intercepted by the defendants herein and each of them.

14 27. Plaintiffs' further believe that Defendants, and each of
15 them, had motive and technical know how and/or otherwise had
16 access to other third parties with technical know how to
17 execute placement of said illegal wiretap on their private land
18 line.

19 **V. FIRST CAUSE OF ACTION: FOR THE UNLAWFUL INTERCEPTION, USE**
20 **AND/OR DISCLOSURE OF PLAINTIFFS' WIRE AND ORAL COMMUNICATIONS,**
21 **IN VIOLATION OF 18 U.S.C. § 2520**

22 28. Paragraphs 1 through 27 are incorporated herein as though
23 fully set forth herein.

24 29. Defendants intercepted and/or endeavored to intercept or
25 procured another to intercept and/or endeavor to intercept
26 Plaintiffs' telephone and other oral communications on numerous
27 occasions in violation of 18 U.S.C. § 2511 (1)(a). Said
28 violations were believed to have been taken place from the time

1 a state civil lawsuit was instituted against the Plaintiffs'
2 through and including May 5, 2007 when wiretap device was
3 discovered and removed by the Sheriffs Department of Contra
4 Costa County.

5 30. Defendants intentionally used and/or endeavored to use or
6 procured another to use and/or endeavor to use Plaintiffs'
7 electronic, mechanical and/or other devices to intercept
8 plaintiffs' oral communications with third parties, including
9 private, confidential and/or privileged communications when
10 they utilized knowledge of confidential escrow information to
11 prevent a sale of the Plaintiffs' home and other information
12 pertaining to the pending lawsuit, and such use and/or endeavor
13 took place and/or was directly connected to official AT&T phone
14 line, the operations of which affect interstate commerce in
15 violation of 18 U.S.C. §2511(1)(b)(iv).

16 31. The Defendants intentionally disclosed and/or used and/or
17 endeavored to disclose and/or use the contents of the
18 intercepted communications with full knowledge that the
19 information was obtained through the illegal and/or
20 unauthorized interception of wire, oral and/or electronic
21 communications between these Plaintiffs and third parties,
22 including private, confidential and/or privileged
23 communications, in violation of 18 U.S.C. § 2511(1)(c) and (d).

24 32. The Plaintiffs were damaged and are entitled to relief,
25 including actual and statutory damages, injunctive relief and
26 attorney fees for the Defendants' violations of 18 U.S.C. §2511
27 (1) (a), (b), (c) and (d) under 18 U.S.C. § 2520 in the amount
28 to be shown at trial.

1 33. The conduct described above was oppressive, malicious and
2 despicable. Defendants intended to cause injury to the
3 Plaintiffs and/or carried out their despicable conduct with a
4 conscious disregard for Plaintiffs' rights. As a result of
5 this oppressive, malicious and despicable conduct Plaintiffs
6 seek punitive and exemplary damages.

7 **VI. SECOND CAUSE OF ACTION: FOR THE UNLAWFUL WIRETAPPING OF**
8 **TELEPHONIC COMMUNICATIONS, IN VIOLATION OF CALIFORNIA PENAL**
9 **CODE § 631(a)**

10 34. Paragraphs 1 through 33 are incorporated herein as though
11 fully set forth herein.

12 35. The Defendants, and each of them, individually and/or
13 through their agents, associates, employees and/or contractors
14 intentionally made or caused to be made an unauthorized
15 connection with the telephone line, wire, cable and/or
16 instrument, including any internal telephonic communication
17 system used by Plaintiffs including for private, confidential,
18 official, privileged and personal phone calls in violation of
19 California Penal Code § 631(a).

20 36. The defendants further willfully learned or attempted to
21 learn, on numerous occasions, the contents of plaintiffs'
22 communications with the third parties without consent of all
23 parties to those communications in violation of California
24 Penal Code § 631(a).

25 37. The Defendants, and each of them, further used and/or
26 attempted to use and/or communicated and/or attempted to
27 communicate information obtained in violation of California
28 Penal Code § 631(a), and so further violated California Penal

1 Code § 631(a).

2 38. The Plaintiffs were damaged and are entitled to relief,
3 including actual and/or statutory damages, injunctive relief
4 and attorney fees for the Defendants' violations of California
5 Penal Code § 631(a) under California Penal Code § 637.2(a) and
6 (b) in the amount to be shown at trial.

7 **VII. THIRD CAUSE OF ACTION: FOR THE UNLAWFUL EAVESDROPPING ON**
8 **OR RECORDING OF CONFIDENTIAL COMMUNICATIONS, IN VIOLATION OF**
9 **CALIFORNIA PENAL CODE § 632(a)**

10 39. Paragraphs 1 through 39 are incorporated herein as though
11 fully set forth herein.

12 40. Defendants intentionally and without consent of Plaintiffs
13 herein as well as third parties to the communications with
14 Plaintiffs, by means of electronic, amplifying and/or recording
15 device(s) eavesdropped upon and/or recorded Plaintiffs'
16 confidential telephone communications in violation of
17 California Penal Code § 632(a).

18 41. At all times communications between plaintiffs and other
19 parties were made with reasonable expectation that they were
20 confidential and confined to the parties involved in the
21 telephone conversations; and that at no time did plaintiff
22 and/or other parties to said communications with plaintiffs
23 consented to the eavesdropping on and/or recording of such
24 confidential communications.

25 42. The Plaintiffs were damaged and are entitled to relief,
26 including actual and/or statutory damages, injunctive relief
27 and attorney fees for the Defendants' violations of California
28 Penal Code § 632(a) under California Penal Code § 637.2(a) and

1 (b) in the amount to be shown at trial.

2 **VIII. FOURTH CAUSE OF ACTION FOR VIOLATION OF CALIFORNIA**
3 **BUSINESS AND PROFESSIONS CODE § 17200**

4 43. Paragraphs 1 through 42 are incorporated herein as though
5 fully set forth herein.

6 44. Defendants violated California Business and Professions
7 Code § 17200 and 17500 when they engaged in unlawful, unfair or
8 fraudulent business act, practice and/or tactics of illegally
9 wiretapping Plaintiffs' telephone land line thus gaining unfair
10 advantage in a pending state civil lawsuit and by disseminating
11 misleading information and preventing a sale of the Plaintiffs'
12 home which property was in no way connected to any pending
13 litigation at that time. Such acts by Defendants, and each of
14 them, affected the course of litigation in a state action and
15 interfered with Plaintiffs' prospective economic advantage when
16 they were unable to complete the sale of their home.

17 45. The Plaintiffs were damaged and are entitled to relief,
18 including actual and/or statutory damages, injunctive relief
19 and attorney fees for the Defendants' violations in the amount
20 to be shown at trial.

21 **IX. FIFTH CAUSE OF ACTION FOR INVASION OF PRIVACY - PHYSICAL**
22 **INTRUSION ON SOLITUDE AND/OR PRIVATE AFFAIRS, IN VIOLATION OF**
23 **FEDERAL AND CALIFORNIA STATE CONSTITUTIONS, CIVIL CODE §§ 3294,**

24 **3333, 3422 AND CALIFORNIA CODE OF CIVIL PROCEDURE § 526**

25 46. Paragraphs 1 through 45 are incorporated herein as though
26 fully set forth herein.

27 47. The Defendants intruded on Plaintiffs' privacy by
28 intentionally intercepting and/or recording and/or wrongfully

1 disclosing the contents of the telephone communications between
2 Plaintiffs and third parties by means of wiretapping devices
3 and in violation of federal and state statutes as set forth
4 herein and in violation of Article 1 of the Constitution of
5 this State and the pertinent provisions of the U. S.

6 Constitution and its Amendments relevant to the protection of
7 an individual's right to privacy.

8 48. Defendants intentionally intruded on Plaintiffs' right to
9 privacy and solitude and/or confidential and private affairs by
10 intentionally eavesdropping on and/or recording and/or
11 wrongfully disclosing these contents of the telephone and other
12 oral communications between Plaintiffs and third parties and/or
13 otherwise using the same to their unfair advantage, by means of
14 electronic amplifying and/or recording devices, in violation of
15 federal and state laws as set forth herein.

16 49. The Defendants' intentional intrusion upon the Plaintiffs'
17 seclusion and/or private affairs was offensive and
18 objectionable to the Plaintiffs and would be offensive and
19 objectionable to a reasonable person of ordinary sensibilities
20 in that it exposed Plaintiffs' private and confidential affairs
21 to Defendants and other unauthorized persons, gained unfair
22 advantage in a litigation and interfered and prevented a sale
23 of Plaintiffs' real property. Furthermore, such intrusions
24 were into a place and/or thing which was private and entitled
25 to be private in that it involved an invasion of Plaintiffs'
26 confidential, privileged and private communications without
27 consent of any and/or all parties to such communications.

28 50. The Plaintiffs were damaged and are entitled to relief,

1 including actual and/or statutory damages, injunctive relief
2 and attorney fees for the Defendants' violations in the amount
3 to be shown at trial.

4 **X. SIXTH CAUSE OF ACTION: FOR AWARD OF ATTORNEY FEES AND**
5 **LITIGATION COSTS BASED ON PRIVATE ATTORNEY GENERAL DOCTRINE**

6 51. Paragraphs 1 through 50 are incorporated herein as though
7 fully set forth herein.

8 52. Plaintiff is entitled to attorney fees and costs pursuant
9 to the Private Attorney General Doctrine, California Code of
10 Civil Procedure § 1021.5 because of the following:

11 (a) Plaintiffs' causes of action will result in the
12 enforcement of an important right to privacy specifically
13 provided for by the California Privacy Act, California Penal
14 Code §§631 and 632;

15 (b) Such enforcement of the right to privacy affects the
16 public interest in that it confers a significant benefit on the
17 general public and/or a large class of persons in that it
18 effectuates a fundamental constitutional and statutory policy;

19 (c) The necessity and financial burdens of private
20 enforcement are such that they make the award of attorney fees
21 and costs appropriate in that the estimated value is likely to
22 be exceeded by the actual litigation costs of enforcing such
23 important right and

24 (d) In view of all of the above, such litigation costs,
25 including attorney fees, should not, in the interests of
26 justice, be paid out of Plaintiffs' recovery.

27 /

28 WHEREFORE, Plaintiffs pray for judgment against

1 Defendants, and each of them, as follows:

2 1. For general damages in an amount to be ascertained
3 according to proof at trial;

4 2. For all special and incidental damages in an amount
5 to be ascertained according to proof at trial;

6 3. For all statutory fees and penalties;

7 4. For punitive and/or exemplary damages in an amount to
8 be ascertained according to proof at trial;

9 5. For reasonable attorney fees;

10 6. For costs of suit;

11 7. For the following injunctions:

12 A. An Order requiring defendants preserve all recording
13 devices, electronic wiretapping devices and any and all
14 recordings of all conversations currently in possession or
15 control of Defendants and/or their agents, employees,
16 contractors, associates and the like, until further Order of
17 the Court;

18 B. An Order requiring defendants to cease and desist all
19 illegal interception and/or recording of or eavesdropping on,
20 or attempting to intercept, eavesdrop on and/or record any
21 conversation;

22 C. An Order requiring defendants to post notices that
23 defendants have been found to have committed wire, oral and/or
24 electronic communications interception, disclosure or
25 intentional use and/or dissemination in violation of pertinent
26 federal and state laws and statutes, along with information on
27 how to contact a person appointed by this Court with any
28 complaints;

1 D. An Order requiring Defendant Jaffe to notify State Bar of
2 California that he has been found to have committed wire, oral
3 and/or electronic communications interception, disclosure or
4 intentional use and/or dissemination in violation of pertinent
5 federal and state laws and statutes, along with information on
6 how to contact a person appointed by this Court with any
7 complaints;

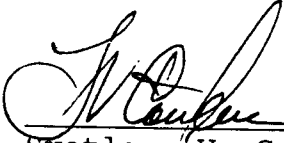
8 E. An Order allowing Plaintiffs to seize from Defendants and
9 to allow Plaintiffs' experts to test of all recording devices,
10 electronic wiretapping devices and any and all recordings of
11 all conversations currently in possession or control of
12 Defendants and/or their agents, employees, contractors,
13 associates and the like, as well as the devices and recordings
14 currently in Contra Costa County Sheriff's custody; and

15 F. Any other appropriate Order to redress these violations
16 and to prevent any future violations of this nature and

17 8. For such other and further relief as the Court may
18 deem just and proper.

19 /

20 DATED: August 13, 2008


Svetlana V. Couture, Esq.
Attorney for Plaintiffs

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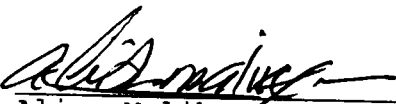
VERIFICATION

I, Alise Malikyar, am a Plaintiff in the above entitled matter. I hereby verify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct as to my own personal knowledge and as to those matters alleged on my belief, I believe them to be true.

I expressly authorize the use of a photocopy of this Verification in lieu of the original.

/

Dated: August 15, 2008


Alise Malikyar, Plaintiff

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VERIFICATION

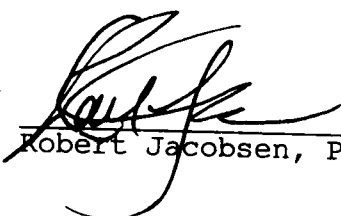
I, Robert Jacobsen, am a Plaintiff in the above entitled matter. I hereby verify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct as to my own personal knowledge and as to those matters alleged on my belief, I believe them to be true.

I expressly authorise the use of a photocopy of this Verification in lieu of the original.

/

Dated:

August 15, 2008



Robert Jacobsen, Plaintiff